

CPCS FY 2001 Budget Request

December 17, 1999

(Revised 2/7/00)

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CPCS FY 2001 Budget

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Appropriations 0321	1500 Oper's	1502 P. defend.	1503 CAFL	1504 YAP	1505 SDP Rep	1506 SOR Rep	1510 Priv.Crim.	1512 Non-Crim.	1520 Ct. Costs	Total
FY 2000 Appropriations	7,074,170	7,893,470	759,514	443,913			43,500,000	21,000,000	4,695,694	85,366,761
Needed To Level Fund To FY '99's Actual							925,000	380,000	1,196,000	2,501,000
Needed To Fund FY' 00 Growth							500,000	680,000	6,000	1,186,000
Subtotal FY 2000 Estimate	7,074,170	7,893,470	759,514	443,913	386,000		44,925,000	22,060,000	5,897,694	89,053,761
'01 SDP Civil Commitment Representation										386,000
'01 Sex Offender Registry Representation						1,928,000		791,700	1,305,000	4,024,700
Needed for FY 2001 Fees/Ct Costs Growth							1,215,000	1,258,000	401,000	2,874,000
Maintenance FY '00 Salary Restructuring	146,590	315,740	26,540	16,490						505,360
Rent Maint. Boston & 5 County Offices	650,294		3,084							653,378
Annualization of Key Positions		83,895	49,000							132,895
State WAN Chargeback Maintenance	7,200									7,200
County Bar Advocate Maintenance	65,766									65,766
Subtotal '01 Including Maintenance	7,944,020	8,293,105	838,138	460,403	386,000	1,928,000	46,140,000	24,109,700	7,603,694	97,703,060
Dist Ct Team Leader program - 2 FTE's	82,600						480,000			562,600
Mental Health Staff Attorney - 1FTE	48,800									48,800
Coordinator contracts Increase	92,000									92,000
Post Conviction Staff Attorney - 1 FTE	41,800									41,800
Youth Advocacy Enhancements - 5 FTE's			35,800	187,850						187,850
CAFL Social Worker - 1 FTE										35,800
PC Trainer, and Accounting Clerk -2FTE's	67,000									67,000
Diversity Training	10,000									10,000
Subtotal Before Private Atty Hourly Incr.	8,286,220	8,293,105	873,938	648,253	386,000	1,928,000	46,620,000	24,109,700	7,603,694	98,748,910
Private Attorney Hourly Rate Increase							4,696,000	1,834,000		6,530,000
Total	8,286,220	8,293,105	873,938	648,253	386,000	1,928,000	51,316,000	25,943,700	7,603,694	105,278,910

Committee For Public Counsel Services
FY 2001 Budget Proposal 0321-1500 Operations
Revised 2/7/00

This budget line funds support of all CPCS Operations. It funds salaries and office support for critical training, certification, assignment, quality control, and support services for 125 public defenders and 2,800 assigned counsel in nearly 300,000 cases annually. Furthermore, this budget line provides funding for all CPCS bill processing, auditing, and information technology functions.

These support functions must be maintained and enhanced to handle the workload increases caused by the continuing growth in private counsel cases and indigent court costs. Funding of this line enables CPCS to implement and control cost reduction initiatives necessary to manage the \$73 million (FY 2000 projection) of attorney fees and court costs on some 300,000 bills. The 2001 plan, as presented here, continues CPCS's efforts to bring rational and fiscally responsible management to our responsibilities.

The 2001 budget request is \$8,286,220. Expansion and maintenance proposals are as follows:

Maintenance

The Boston office lease expires 1/8/2000 and the move is expected to coincide closely with the beginning of the fiscal year on July 1st.

Available space in Boston proximate to courts/transportation is estimated to cost over 250% more than CPCS's current \$15.50/sq. ft. Adding the cost of the move and other infrastructure costs brings the estimated FY 2001 added cost to \$588,000. The increased cost of leases in Brockton, Dedham, Northampton, and New Bedford add an additional \$62,294.

\$650,294

Maintaining the approved salary restructure implemented in FY 2000 adds \$146,590 to the FY 2001 request.

\$146,590

Five Public Defender county offices were connected to MAGNET (state WAN) at various times during the first half of FY 2000. Positive annualization of the Magnet chargeback from the Information Technology Department will be \$7,200.

\$ 7,200

The 12 County-based Bar Advocate contractors will have positive annualization in FY 2001 of \$65,766. Annualization is for pay increases effective 2/1/00 (\$26,040), rent increases (\$5,700), new Suffolk County contract increase (\$36,191), and decreases in health Ins. (-\$365) and Temp. help (-\$1,800)

\$65,766

Expansion

The District Court team leader pilot program, which will provide additional supervision and evaluation to private attorneys in four counties, requires a Boston office attorney and an administrative assistant, plus support expenses.

\$82,600

The present Mental Health Litigation Unit consists of an attorney and two support employees. With the recent enactment of legislation providing for civil commitment of sexually dangerous persons, the Mental Health Director requires the help of another attorney.

\$48,800

It is proposed that the twenty two regional coordinators who help train and oversee Children & Family Law, Juvenile Offender, and Mental Health Litigation private attorneys receive a much needed increase in their contracts to \$12,000 each, annually. It is further proposed that three additional juvenile coordinators be appointed.

\$92,000

The two-attorney Boston criminal appeals and post-conviction quality control responsibility has absorbed a tripling of cases since FY 1994 and therefore must add another attorney.

\$41,800

Committee For Public Counsel Services
FY 2001 Budget Proposal 0321-1502 Public Defender

The FY 2001 budget request for the Public Defender division, consisting entirely of payroll (support costs including the salaries of the secretarial staff are in the operations line 1500), is \$8,293,105. The following are the areas of proposed expansion and maintenance:

Maintenance

Maintaining the approved salary restructure implemented in FY 2000 adds \$315,740 to the FY 2001 request. \$315,740

Annualization of key positions adds \$83,895 to The request. New and upgraded positions created during FY 2000 for case tracking management, social work, and the DNA/Appellate area adds \$ 58,000, and pay changes for 3 management positions not included in the salary restructure plan adds \$25,895. \$83,895

**Committee For Public Counsel Services
FY 2001 Budget Proposal 0321-1503
Children & Family Law Regional Offices**

Revised 2/7/00

The FY 2001 budget request for the Children and Family Law staffed offices within CPCS responsibilities is \$873,938. The FY 2001 maintenance and expansion proposals are as follows:

Maintenance

Maintaining the approved salary restructure implemented in FY 2000 adds \$26,540 to the FY 2001 request.	\$ 26,540
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Annualization of the new Children & Family Law Training Director position.	\$ 49,000
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Annualization of the Springfield office lease increase.	\$ 3,084
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Expansion

CAFL requires a social worker based in Boston to directly assist the private bar in meeting the social service needs of clients. Specific duties would involve development of community referral resources, service plans, adoption plans, and forensic services.	\$ 35,800
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**Committee For Public Counsel Services
FY 2001 Budget Proposal 0321-1504 Youth Advocacy**

The proposed FY 2001 budget for the CPCS Youth Advocacy Program (YAP), line 1504, is \$648,253. YAP brings a nationally recognized, innovative, multi-disciplinary approach to the legal representation of children. In a very real sense, YAP works to prevent future criminal acts through early and positive intervention. Assuring the continued progress of YAP within CPCS is a high committee priority.

Maintenance

Maintaining the approved salary restructure implemented in FY 2000 adds \$16,490 to the FY 2001 request.

\$16,490

Expansion

There are three expansion initiatives to enhance the effectiveness of YAP which will cost a total of \$187,850 as follows:

1. YAP must fund the balance of its clinical psychologist from appropriated funds (presently 0321-1611) if her critical work is to continue into FY 2001 -- \$46,150.
2. A YAP social worker/community liaison to reside in the Cambridge/Lowell area will enable replication of YAP's successful Roxbury social worker initiative -- \$30,000.
3. An additional trial attorney for Roxbury and one for Cambridge/Lowell are requested, costing \$62,000.

Space, Equipment, fringe, travel, supplies and additional secretarial support add \$49,700.

\$187,850

**Committee For Public Counsel Services
FY 2001 Budget Proposal 0321-1505
SDP Civil Commitment Representation**

This is a proposed new line 0321-1505 to provide a FY 2001 budget for post-incarceration civil commitment proceedings for convicted sex offenders. These proceedings have already begun, creating the right to CPCS counsel for hundreds of cases each year.

This appropriation will set-up a Boston unit with four attorneys and two support personnel effective July 1, 2000 at a FY 2001 cost of \$386,000. There are additional private bar and court cost proposals for this representation requested in lines 1512 and 1520.

**Committee For Public Counsel Services
FY 2001 Budget Proposal 0321-1506
Sex Offender Hearings Representation**

This is a proposed new line 0321-1506 to provide a FY 2001 budget for sex offender hearings to be held before Sex Offender Registry hearing officers. The recent sex offender registry legislation creates a right to CPCS counsel for thousands of cases each year.

This appropriation will establish a Boston office, a Worcester County office and a Bristol County office with a total of twenty-one attorneys and seven support personnel effective July 1, 2000 at a FY 2001 cost of \$1,928,000. There are additional private bar and court cost proposals for this representation requested in lines 1512 and 1520.

**Committee For Public Counsel Services
FY 2001 Budget Proposal 0321-1510
Private Counsel Criminal Case Fees**

The baseline projection for private attorney compensation in criminal cases (before needed hourly rate increases) is \$46,620,000. This estimate assumes the same growth rate in FY 2001 as that experienced on average for FY 97/98/99. Increasing hourly rates by \$10/hour for murder cases and \$3/hour for all other cases would add \$4.7 million to this budget request, for a total appropriation of \$51,316,000.

CPCS has continued to implement cost containment procedures in the management of privately assigned cases, and is continuously planning new initiatives. For example, continuing in 2001 for the fifth fiscal year will be waiting time controls and daily total hours controls which will reduce costs by a minimum \$1.1 million in FY 2000 from a base without those controls. Currently, CPCS, as a working member of The Emergency Task Force on Indigency Verification, is providing information to certain District Courts whose rates of indigency appear excessive. This background involvement by CPCS in the court's determination of indigency appears to be having a favorable effect – District Court Assignments to CPCS were down over 6% in FY 1999 versus FY 1998.

The cost of each criminal case is modest, and has remained stable in recent years. Cost increases in this budget line have been driven by the tendency of the courts to assign counsel more frequently every year, and by increased responsibilities imposed by legislation and caselaw. The provision of counsel in cases where there is scant likelihood of incarceration continues to be commonplace in the courts; restriction of assignment of counsel to cases where there is a realistic risk of incarceration would certainly reduce the amount of this line item. Another reason for increased costs is the courts' practice of appointing counsel routinely without regard to indigency in order to improve docket efficiency.

Overview Of The Construction Of The FY 2001 Budget Request

	(\$ Thousands)
FY 2000 Appropriation	\$43,500
Needed To Bring to Level Of FY '99 Actual Expenditure	\$ 925
Add FY 2000 Forecast increase	\$ 500
Add FY 2001 Growth @ 2.7% (3 yr ave growth = 2.7%)	<u>\$ 1,215</u>
Total Before Expansion	\$46,140
Add District Court Team Leader Program	\$ 480
Add Attorney Rate Increase To Committee Approved Level	<u>\$ 4,696</u>
FY 2001 1510 Budget Request	\$51,316

**Committee For Public Counsel Services
FY 2001 Budget Proposal 0321-1512
Private Counsel Non-Criminal Case Fees**

The baseline projection for private attorney compensation for children and family law and mental health cases (before needed hourly rate increases) is \$24,109,700. This estimate assumes the same 5.7% growth rate in FY 2001 which was experienced on average in FY 97- FY'99. Increasing hourly rates to \$42/hour would add \$1.8 million, bringing the total request for FY 2001 to \$25,943,700.

CPCS has continued to implement cost containment changes, and is planning others. For example, continuing for the fifth FY, waiting time controls and daily total hours controls will reduce cost by \$800 thousand.

Legislation in 1992, amended in 1999, providing expanded court authority to permanently terminate parental rights has continued to increase the complexity and, therefore, the cost of "care and protection" cases. Another cost factor is the routine appointment of counsel by the courts to help with docket efficiency.

The Sex Offender Registry will require CPCS representation at registry hearings and representation for SDP Civil Commitments.

Overview Of The Construction Of The FY 2001 Budget Request

	(\$ Thousands)
FY 2000 Actual Appropriation	\$21,000
Needed To bring to level of FY '99 Actual Expenditure	\$ 380
Add FY 2000 Forecast Increase	\$ 680
Add 2001 Growth @5.7% (3 yr. ave. growth = 5.7%)	\$ 1,258
Add 2001 Plan For Sex Offender Registry & SDP Representation	<u>\$ 792</u>
 Total Before Expansion	 \$24,110
 Attorney Hourly Rate Increase	 <u>\$ 1,834</u>
 FY 2001 1512 Budget Request	 \$25,944

**Committee For Public Counsel Services
FY 2001 Budget Proposal 0321-1520
Indigent Court Costs**

The FY 2001 CPCS Indigent Court Cost budget request is \$7,604,000, based on growth experienced over recent fiscal years, and the addition of sex offender registry representation. Although CPCS responsibility is essentially restricted to paying for court-ordered costs and fees in this budget line, CPCS has taken concrete steps to control growth through various initiatives. For example, audits are being conducted, billing rate ranges for a variety of expert categories have been defined, and each attorney who receives a court order which authorizes the provision of a service at public expense is now required to certify actual receipt of the service.

The \$7.6 million FY 2001 request breaks down approximately into the following areas of expenditure:

(Thousands \$)			
Investigation	\$1,900	S.O. Registry	\$1,305
Transcription	\$1,400	Expert Witness	\$ 800
Psychological Exam	\$1,300	Summons Delivery	\$ 400
		All Other	\$ 500

Overview Of the Construction Of The FY 2001 Budget Request

	(\$ Thousands)
FY 2000 Actual Appropriation	\$4,696
Needed To Bring to actual Level Of FY'99 (Incl. Supplement)	\$1,196
Add '00 Forecast Increase (last year's growth = 0.1%)	\$ 6
Add 2001 Growth @ 6.8% (3 yr. ave. growth = 6.8%)	\$ 401
Add 2001 Plan For Sex Offender Registry & SDP Ct. Costs	<u>\$1,305</u>
FY 2001 Budget Request	\$7,604